

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANICIA PERK

v.

NYRSTAR CLARKSVILLE, INC.

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No. 3-12-0913

ORDER

On July 2, 2013, the parties filed an agreed protective order (Docket Entry No. 21), which the Court deems to be a motion for entry of the agreed protective order and, as such, it is GRANTED. By contemporaneously entered order, the parties' agreed protective order has been entered.

If either party seeks to make a filing that includes or references documents or information protected by the contemporaneously entered protective order, the parties are advised that they must comply with § 5.07 of the Administrative Practices and Procedures for Electronic Case Filing (ECF), Administrative Order No. 167 entered April 18, 2005, by filing the proposed filing under seal with a separately filed motion to maintain the filing under seal.

While the Court is willing to enter a protective order preventing disclosure of information during discovery, there is a heightened standard if a party wants to file material covered by the protective order under seal. The fact that information is subject to a protective order is not sufficient justification, in and of itself, to make a filing under seal. Rather, the filing party must show that filing under seal is proper under Rule 26(c) of the Federal Rules of Civil Procedure. See also Procter & Gamble Co. v. Bankers Trust Co., 78 F.3d 219 (6th Cir. 1996); and Brown & Williamson Tobacco Corp. v. Federal Trade Comm'n, 710 F.2d 1165 (6th Cir. 1983). Specifically, the filing party must "provide an adequate and specific explanation as to why the [filing] should be sealed and apprise the court of the specific harm that will occur if the [filing] is not sealed." United States v. Woods, No. 12-6307 (6th Cir. Apr. 26, 2013); Elliott Co. v. Liberty Mut. Ins. Co., 2009 WL 750780, *10 (6th

Cir. Mar. 23, 2009) ("strong presumption in favor of public access to judicial proceedings," citing EEOC v. National Children's Ctr., Inc., 98 F.3d 1406, 1409 (5th Cir. 1996)).

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge